



APPROVED

**KITTERY PORT AUTHORITY**  
November 6, 2014 Meeting Minutes  
Council Chambers, Town Hall

Members Present: Kelly Philbrook, Steve Lawrence, Ray Grenier, Ann Grinnell  
Members Absent: Tom Smith  
Staff: Harbormaster Derek Jacobs

Meeting began at 6:01 p.m.

1. Pledge of Allegiance

Ms. Grinnell moved to move Item 11 (Election of Officers) to follow approval of minutes  
Mr. Lawrence seconded  
Motion carried unanimously

2. Minutes: October 2, 2014

Mr. Lawrence moved to approve the minutes as amended  
Mr. Grenier seconded  
Motion carried unanimously

3. Election of Officers

Ms. Grinnell moved to appoint Kelly Philbrook as Chair  
Mr. Lawrence seconded  
Ms. Philbrook noted there have been many recent changes to the Port Authority, however, she will assume the position of Chair temporarily, until the Board is fully populated in January.  
Motion carried unanimously

Ms. Grinnell nominated Steve Lawrence as Vice Chair  
Ms. Philbrook seconded  
Mr. Lawrence also agreed to fill this position temporarily, until the Board is fully populated in January.  
Motion carried unanimously

Ms. Philbrook nominated Ann Grinnell as Secretary/Treasurer  
Mr. Lawrence seconded  
Ms. Grinnell accepted the nomination  
Motion carried unanimously  
Ms. Philbrook welcomed Ms. Grinnell as the Planning Board representative.

4. Public Segment

Jim Forbes: Thanked the members for their service. Reminded the Board of the statute directives establishing the Port Authority (presentation attached), specifically regarding

prohibiting fishing from public facilities (also included Bait and Fillet prep station information).

5. Harbormaster Report: Derek Jacobs

- Float out was done safely and successfully. Thanks to all volunteers.
- Wave Mitigation: Met with the Town Manager for Council update.
- Lighting and fencing repair at Pepperrell Cove; parking lot is very dark and needs to be made safe.
- Traip floats to be removed mid-November; DPW is working to repair brackets by mid-November; would like to repurpose floats to Pepperrell Cove.
- Wait list is posted on both the Town and Harbormaster websites;
- Referenced a letter from the ACOE, re: Portsmouth Yacht Club in Pepperrell Cove;
- List of mooring holders on Isles of Shoals and actual landowners on Isles of Shoals;
- Budget: Phone: 97% expended; legal notices, over budget; rigging, 120% expended; main building and grounds, uniforms, public officials and marine operators liability are at 100% expended or more.

Mr. Lawrence: When the floats are removed at Traip, will fishermen still have use of a float?

Mr. Jacobs: There may be a couple days between removing the old and installing the new floats where they will not have access.

Ms. Philbrook: The total budget is 49% expended. These numbers will have to be better formulated in the future. The Council is looking into methods to save money in legal notice requirements. Discussion followed regarding freezing the accounts that are not monthly bills, and the use of grant funds and CIP funds to offset budget needs.

Following discussion, a CIP workshop was scheduled for November 12 at 6:15 p.m.

6. Public Hearing: Rules and Regulations: Fishing Policy

Ms. Philbrook summarized the proposed changes limiting fishing periods at various public facilities.

The Public Hearing opened at 6:32 p.m.

Jim Forbes: Suggested the KPA receive legal review before a decision is made to prohibit fishing from public facilities.

There was no further comment.

The Public Hearing ended at 6:33 p.m.

Mr. Lawrence: Frisbee, Government Street and Traip should be open 24 hours. He can understand prohibiting fishing at the Pepperrell Pier, transient facility.

Ms. Grinnell: Who and how will the trash, keep clean, policy be enforced?

Ms. Philbrook: This policy proposal has been shared with the Town Manager and Police Chief for comment, regarding enforcement, but there has been no response. Supports keeping the three facilities open 24 hours. Ms. Grinnell and Mr. Grenier concurred.

Discussion followed regarding police enforcement of no-fishing on the transient facility. Mr. Jacobs will meet with the Police Chief to discuss.

Ms. Philbrook: Since the Board is not fully populated and there has been no response from the Town Manager and Police Chief, this item could be postponed.

Ms. Grinnell moved to postpone this item to a future meeting

Mr. Lawrence seconded

Motion carried unanimously

7. Rules and Regulations: Isles of Shoals

Ms. Philbrook: Mr. Smith submitted language to remove landowner/lessee from the existing language, opening up moorings to everyone. It was found that two new moorings have been opened up, one by a property owner and one by a non-property owner. This will be discussion only.

Bob Foy, Cedar Island:

- Who has the two new moorings at Isles of Shoals?
- Who authorized these moorings? Doesn't the KPA have to approve additional moorings?

Derek Jacobs:

- The new moorings were assigned to Evan Bush and Paul and Roberta Blanchette.

Milton Hall: A policy in 1992 said the Harbormaster had to receive Authority permission to place moorings. Opening it up to everyone will create problems. The policy regarding land ownership at the Isles of Shoals dates to 1972. There are currently 27 Hall heirs at the Isles of Shoals and combined with the Foy family there could be over 40 potential mooring claims.  
Mr. Forbes: Are these riparian moorings?

Mr. Jacobs: Riparian moorings must meet a different standard from the Isles of Shoals moorings.

Mr. Foy: If there are going to be rules changes, the KPA should meet with property owners and work out something that is fair. These two new moorings should not be allowed. What has been in the Rules and Regulations has worked. This area is not a conventional harbor and it is getting overcrowded and unruly.

Ms. Philbrook: Anyone not a landowner or lessee were included on the list in hopes there would be a rule change, but were told it would not likely happen.

Ms. Grinnell: There is nothing in the Rules and Regulations stating the Harbormaster must receive Authority permission to place moorings. If the KPA has the authority to override the decision of the Harbormaster, they can remove these moorings through a vote.

Ms. Philbrook read from the Rules and Regulations, Article III.A:

*All mooring sites except as otherwise provided by Title 38 M.R.S.A. et. seq. shall be under the exclusive control of the Harbormaster. When the requests for mooring sites exceed the sites available, mooring sites shall be assigned according to the allocation provisions of this section from established mooring site area waiting lists maintained by the Harbormaster.*

Mr. Foy: Mr. Melanson stated in a previous meeting that the KPA could override the decision of the Harbormaster.

Ms. Philbrook: It is apparent the former Harbormaster authorized these new moorings before he left.

Discussion followed regarding policies and rules. Ms. Grinnell stated she would be willing to research this issue with the Town Attorney before recommending a change to the Rules and Regulations.

Ms. Philbrook: The Isles of Shoals will be discussed at the January meeting, and requested that a member of the KPA and the Harbormaster meet with the Town Attorney to discuss the regulations regarding the Isles of Shoals and KPA authority to grant/approve mooring assignments.

Mr. Grenier moved representatives meet with the Town Attorney to discuss the Isles of Shoals and Harbormaster authority to issue moorings.

Ms. Grinnell seconded

Ms. Grinnell will attend with the Harbormaster

Motion carried unanimously

Mr. Hall: Once the Town Attorney makes a decision, the KPA must follow his opinion.

Mr. Jacobs: The list provided includes moorings held by those who don't own land on the Isles of Shoals, and this needs to be considered.

8. September 15 Workshop Re-Cap-Discussion

Met with Council to discuss and review Rules and Regulations and Bylaws, and whether the KPA should remain as a state authority or a town board. Ms. Philbrook stated finalization of the Rules and Regulations is top priority.

9. November 5 Workshop Re-Cap Discussion

It was decided the KPA will continue as a state authority.

10. KPA By-Laws Review/Discussion

Following discussion, this item was postponed to the December 2014 meeting.

11. New & Old Business

Mr. Lawrence: Parking lights at the pier.

Mr. Jacobs: The pier needs its own lighting and not be dependent on private lighting sources.

12. Adjourn

Ms. Grinnell moved to adjourn

Mr. Lawrence seconded

Motion carried unanimously

The November 6, 2014 Port Authority meeting ended at 7:34 p.m.

Submitted by Jan Fisk, November 24, 2014

## ATTACHMENTS

First, a big thank you to all for serving our community.

As you review and update your rules and policies may I respectfully suggest that you remember the stated purpose of the State law that established the KPA. In part to, 1. “plan”, “foster and stimulate commercial and recreational use of the area” and, 2. “aid in”... “recreational uses of these areas and facilities”.

Nowhere within the five pages of the Chapter 163 law, as attached to the end of Chapter 4. of the Town Code, are the terms prohibit or limit; and nowhere is there any authority given by that law to control the harvest of marine life. In my humble opinion you should not tread on the turf of another State agency – the Division of Marine Resources has a 350 page law and a large staff of commissioners to control fishing.

May I suggest that if squid ink is the biggest issue you have to contend with next summer, that you plan ahead and have plenty of garden hoses with properly attached nozzles spread around the docks. Maybe some “let’s keep it clean” signs and maybe a nice touch would be a post mounted fillet & bait prep station for the striped fishermen so they are not cutting bait on the docks or in the walking areas.

In prior years it was recommended that rubber dinghys be parked in one area away from the damage potential of wooden dinghys, that area would be a good area not to line fish in or around. Also the Harbor Master’s boat could be parked at the end of the dock on the side that is not in the middle of the most popular squidding area.

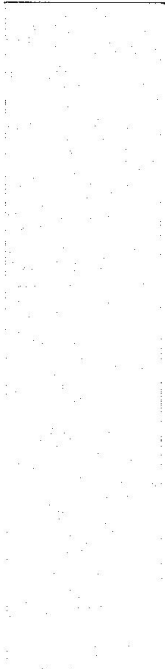
Maybe it is false optimism, but I think there is plenty of room for everyone to share and enjoy the waterfront. With a little mutual respect I am sure the hard feelings of last season can be avoided. The fishermen would have a better attitude and be more cooperative in avoiding the boaters and recognize their priority. The visitors would feel more comfortable not seeing the “prohibit” signs. And the boaters would recognize the improved attitudes and not be so uncomfortable about the fees they are charged.

*Read by Jim Forbes @ the Nov. 6, 2014 KPA mtg.*

Weston Extra Large Fillet & Bait Prep Station(40-0701-W)

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### Weston Extra Large Fillet & Bait Prep Station



**Item Code:** WEST-40-0701-W-MPP1  
**Compare At:** \$122.48  
**Winter Sale:** \$66.50  
**You Save:** 43%  
**Quantity:** 1

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**Description** | **Reviews**

**Overview of Weston Extra Large Fillet & Bait Prep Station**

**Manufacturer #:** 40-0701-W

- Made of durable, UV-resistant, high-density polyethylene.
- 5/8" (1.5 cm) thick deck, 1/2" (1.3 cm) sides and backplash. 27 3/4" x 14"
- Anodized aluminum gimbal pole installs in seconds to the boat's existing gimbal rod holder.
- Resists formation of mold and mildew, will not absorb odors.
- Textured surface minimizes slipping while filleting.
- Channel on deck drains at the rear
- Measuring scale on deck
- Stainless steel clamp secures fish while filleting.
- Convenient pliers and knife receptacles (Extra-large Fillet Board has two knife receptacles)